**Application for review under section 86(2) of the Act** [the Act being Community Empowerment (Scotland) Act 2015]

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| the name and contact address of the community transfer body | Viewpark Gardens Trust Ltd (VGT)  |
| the land to which the asset transfer request relates | Viewpark Gardens Baird’s Avenue Viewpark Uddingston |
| statement setting out thecommunity transfer body’s reasons for requiring a review of the case | VGT are requesting this internal review as the Decision Notice received on 15th Feb 2021 was a refusal of our ATR to lease the asset, Viewpark Gardens.The following were cited as the main reasons for rejection.Our full Review Report will set out new or updated evidence for each of these issues raised, as well as drawing attention to our evidence already submitted, to demonstrate that we believe these responses are not proportionate or reasonable for our ATR for a 5 year peppercorn lease.* The application did not demonstrate the financial viability of the project and the financial information provided did not provided adequate reassurance reflecting the operation the asset
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|  | * The application did not demonstrate a proven track record in managing and delivering services and therefore raising/generating the significant level of funds that would be required to deliver planned services from this site
* The assessment process concluded that the terms proposed in the application did not represent a reasonable price in the context of the assessed value of the asset and community benefit that may be achieved as a direct result of the asset transfer.
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| what, if any, procedure (or combination of procedures) the community transfer body considers the review should be conducted by | VGT would like to request that along with these written submissions (and our previous full ATR submitted in July 2020), that there is a hearing to allow us to answer questions directly to the Councillors on the Review Panel. Also that the panel Councillors make a site visit. (This is allowed under Covid rules, singly or in pairs, as Viewpark Gardens are apark/recreation space). |
| list of all documents, materials and evidence which the community transfer body intends to rely on in the review. | Evidence the community transfer body has already provided to the local authority in connection with the asset transfer request:Copy of our ATR that we verified in July 2020 on NLC website: [https://www.northlanarkshire.gov.uk/sites/default/files/2021-](https://www.northlanarkshire.gov.uk/sites/default/files/2021-02/Viewpark%20GT%20ATR%20application%20redacted.docx) [02/Viewpark%20GT%20ATR%20application%20redacted.docx](https://www.northlanarkshire.gov.uk/sites/default/files/2021-02/Viewpark%20GT%20ATR%20application%20redacted.docx) Copy of our Business plan submitted in July 2020 on NLC website: [https://www.northlanarkshire.gov.uk/sites/default/files/2021-](https://www.northlanarkshire.gov.uk/sites/default/files/2021-02/Sumary%20of%20VCT%20Bus%20plan%20Redacted_0.docx) [02/Sumary%20of%20VCT%20Bus%20plan%20Redacted\_0.docx](https://www.northlanarkshire.gov.uk/sites/default/files/2021-02/Sumary%20of%20VCT%20Bus%20plan%20Redacted_0.docx) Additional information sent to NLC in Sept 2020 (for October 2020 Committee) – attachedAdditional Review Report – Attached.Copy of our most up-to-date Business plan included at the end of our appendices. |

# Introduction

We at the Viewpark Gardens Trust (VGT), upon reviewing the rejection of our Community Asset Transfer request by North Lanarkshire Council, would like to exercise our right to appeal this decision, and sincerely hope that the following appeal clarifies and reassures the three key reasons which were cited in the Council’s rejection of our initial request.

This document will follow a clear structure, we will begin by addressing the three key concerns that were outlined in the rejection letter received by us from North Lanarkshire Council on 15/02/21, with each having its own section and the direct quote we received.

Section 82 (5) of the CE Act states that “the authority must agree to the request unless there are reasonable grounds for refusing it”. We consider that the main grounds for refusing our ATR for the lease is the potential development value of the site, which NLC have valued at

£1.52M. We believe that this figure of £1.52M can only be estimated, as an accurate valuation for development would require a development plan, as well as outline planning permission, to realise a value anywhere near this figure. We hope to show in this further Review Report that this short term gain is outweighed by our economic, social, health and wellbeing proposals that would bring on-going benefits to our community in Viewpark, one of the most deprived in Scotland.

We will also demonstrate that since the NLC rejection of our CAT, support within the community for our plans have soared, with our membership more than doubling to 518 at time of writing, 71% of whom are voting residents within the Thorniewood area.

VGT and the wider community are absolutely opposed to the Viewpark Gardens being sold for development and this was never stated publicly in the community consultation in February 2020, nor at any other time.

# Section 1 - Financial Viability

*“The application did not demonstrate the financial viability of the project and the financial information provided did not provide adequate reassurance reflecting the operation of the asset.”*

The CE Act (2015) states that AT decisions should be ‘appropriate and proportionate to the individual request’ (Guidance notes p41). We believe that the financial information that we provided in our ATR was proportionate to our request for a 5 year peppercorn lease. We believe that the initial refusal was based on viewing our request as one to purchase for a peppercorn. This is not the case. We are requesting a 5 year peppercorn lease to allow us to build up our project delivery experience on site and to secure the funding to purchase the asset from NLC in that time frame (we also asked for rights to continue the lease if we were making good progress towards this target and also to allow us to take a phased approach to ownership).

We would like to begin by stating that the uniquely challenging circumstances brought about by Covid-19 have made the process of applying for and receiving funding significantly more difficult, and we would ask that our appeal is not hampered by events that are outside of our control. Furthermore, the lack of an official lease being granted to the Viewpark Gardens Trust has only amplified this issue. We have been in touch with many sources of funding, and The National Lottery Heritage Fund expressed a keen interest in working with us, but despite their interest in our project, they were simply unable to approve our applications without a lease. As a start-up charitable company, we were initially offered a letter of comfort to provide to funders to allow us to show that we had a management agreement as a trusted keyholder on the site. This would have allowed us an income stream of small funding amounts to cover the term of the 6 month Community Asset Transfer consideration.

Unfortunately, this letter of comfort did not materialise.

Several of our Board members have significant experience fundraising with a wide range of community, education, and environmental projects. We believe had the pandemic not occurred, and had the letter of comfort been received, we would have had a much stronger financial position during 2020/21. Further details regarding our board members' relevant experience will be provided in Section 2.

We were encouraged to apply for the Community Grant by local councillors and we did so for the sum of £1,000. Ultimately, our application was rejected and we were advised to “reapply once we had ownership of the gardens”. We would like to remind the committee members and NLC that we are seeking a 5 year peppercorn lease with a break clause to buy the gardens site after several years of demonstrating our ability to deliver services and good management. We are not seeking full ownership at this point.

In July 2020 the VGT raised £2,500 in community donations through a funding appeal during a 2 week period. The funds were donated directly through our website <https://www.viewparkgardens.com/viewpark-gardens-trust> and Just Giving. This was largely from an area of high deprivation, an SIMD1 area in the top 5-10% of deprived areas in Scotland. Despite that, and during Covid putting even more pressure on local families, the community were willing to donate generously to save this community space. These funds allowed us to purchase Public Liability Insurance and gardening equipment for our community clean-up days. Unfortunately, whilst we had excellent sign-up for volunteering at these days, we were unable to hold any due to the Covid-19 regulations in place as well as ongoing safety and access issues which we will address later on in this document.

The VGT have also recently been made aware that NLC had £50,000 of aspirational funding in place since 2018. The VGT would like to state that one of our primary goals is to work closely with NLC to see our gardens restored to their former glory, and this will be significantly aided by the aforementioned cooperation. We are aware of a £20,000 fund available from April 2021 as part of the LDP funding for projects within the Viewpark Gardens area, provided by the council, and because of this our first application for funding would be with the Council themselves. Coupling this with NLC Community Grants Scheme would provide us with a strong foundation, and one we will supplement with other avenues of funding from various funders once we have secured a lease on the asset. We were encouraged by local councillors to apply for these council sourced funds, and we hope to continue to forge a strong relationship with our local council throughout this process.

Evidence of Funding Research:

We have researched funding streams and contacted various funders such as the National Lottery Awards For All. We emailed and spoke directly with several funding officers who explained we would need a substantial lease to enable them to consider us for the funding we require. In June 2020 we received an email from a National Lottery Funding Officer stating:

“Before applying for a project which would take place in the Gardens, we would need proof that you have permission to use the land. Once you have this in place, it would be good to have another conversation with you to hear about your ideas so I can provide updated advice on eligibility and fit with our funding programmes.” **(Appendix 1)**

As mentioned previously, our ability to obtain funding is directly tied to us having a lease in place first. We tried various other funders such as The Robertson Trust, Postcode Lottery, and others. All funders have indicated that we would need a comprehensive lease for the site prior to funding being considered.

Our general clean up days would have been delivered by the Viewpark Gardens Trust in conjunction with volunteers both qualified in ground maintenance and horticulture and therefore would have enabled us to minimise costs for initial repair and maintenance.

Ongoing maintenance and gardening would be accounted for in our initial budget spend.

Expected funding post-lease agreement would have been open to us from a vast array of funders and funding pots. A lease is required before substantial funding is approved by funders and North Lanarkshire Council will be aware of the catch 22 situation any charity would face when trying to raise larger sums without a lease, especially during a pandemic. It is not commonplace to expect a funder to grant any group the larger amounts to undertake repair and regeneration work at a site they do not own or manage on a long term lease.

With this in mind we then compiled various funding possibilities both available pre and post- Covid-19 which we could apply for the moment our lease was granted. It is our belief that a green, open space with the opportunities it offers would provide a positive funding opportunity for many of these funders.

In our Community Asset Transfer we requested a 5 year peppercorn lease. This would grant us the legal solidity to be approved for avenues of funding that would aid us in our goal to restore the gardens, revive a vital community asset, and provide us with the opportunity to demonstrate and realise our objectives. It would also allow us to raise the funds required to purchase the gardens from NLC.

# Section 2 - Our track record, skillset, generating funds required and delivery of planned services

*“The application did not demonstrate a proven track record in managing and delivering services and therefore raising/generating the significant level of funds that would be required to deliver planned services from this site.”*

Our Board comprises of a wide variety of individuals who each bring a skillset that will be nothing short of complementary to our proposal. We are fortunate to possess a widely experienced group of individuals, who bring years of experience and qualifications working both professionally and within the community. This was specifically referenced in Section 4.5 of our Community Asset Transfer application, but we will go over this in more detail here.

Our Chair XXXXXXXXXXXXX has qualifications in Community Arts and Education at diploma level, as well as skills relating to developing and delivering ecology and green environmental projects within inner city and deprived areas. She has experience in designing and implementing community projects and facilities for both children and adults with ASD, Dementia, and Alzheimers. She was employed as a senior youth worker for XXXXXXXXXXXXXXXXXXXXXXXXXX working on their outreach team in SIMD1 areas. This involved direct engagement with Social Work and children at risk. She has set up and managed her own projects within the Thorniewood area and managed an Eco Youth Group who extensively used the Viewpark gardens as a teaching space. Projects from the Viewpark Gardens space included pond dredging and mask making workshops. She has also worked with Includem as a mediator and support worker for youths in care, delivering one to one support and making recommendations to various panels with multi-agency involvement. After a year long study XXXXX obtained a Counselling Skills Certificate from COSCA which has further evolved her aptitude for natural responsiveness and rapport building. XXXXX has assisted in developing, designing and delivering various large scale projects such as Shine On Glasgow, North Glasgow Arts and Glasgow West End Festival’s Mardigras Parade. Shine On Glasgow was a winter festival specifically designed to bring about economic benefit to Glasgow in the months leading up to Christmas. The aim of Shine On was not only to produce social cohesion and event participation during the various projects but also create

“high economic returns'' for the city. The project overview stated “Excellent economic benefits were achieved against the marketing and event investment “. XXXXX possesses the skills to create, manage and deliver high quality community participation in projects and services whilst being able to maximise the financial outcomes required to realise further development and investment. Additionally, she has experience in budget management relating to youth centres and art and education initiatives, as well as a wealth of charity fundraising experience. Prior to working in community arts, education and Community outreach XXXXX worked in banking and insurance for 15 years advising clients on mortgages, offset loans, budgeting and personal finance. She has experience working directly in the security division of banks responsible for managing and dealing with high value clients. Her skill in financial management coupled with her education and experience in community outreach, education and inclusion allows for a unique approach in her position with the Trust. She has managed teams in both office and site environments, delivered training and support to both users, client’s and colleagues and her attention to detail is exemplary.

We have recently brought on a Vice-Chair, XXXXXXXXXXXXXXXX, who has a Second Class Honours Degree in English Literature and Politics and International Relations from the University of Strathclyde, with specific study relating to the theory and application of Green Politics. His dissertation focused on a topic of which there was zero research, and resulted in the development, fine-tuning, and actioning of highly skilled research methods, literature reviews, data collection and analysis, research methods, and compacting these skills into a presentable and accessible format. These skills were further honed when undertaking a research assistant role for the Economic and Social Research Council. Whilst certainly useful in an academic sense, these skills are transferable to all aspects of life, and in particular are extremely useful for business planning and management. XXXXX has worked primarily in the hospitality industry for 8 years, with the last 4 of those in management positions, having held a Duty Manager position in the XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX and currently holds the position of Assistant Manager at the XXXXXXXXXXXXXXXXXXXX. These years of experience in the hospitality industry have granted him a strong team-player and work ethic, with anyone who has worked in this environment aware of the enormous mental and physical strain of this line of work. Exemplary communication, organisational, supportive, mentoring, and team-player skills are vital to succeed in this industry, and XXXX has honed these over years of work. His transition into management has only further built upon these skills, and developed experience in training, team management, conflict resolution, disciplinary procedures, handling large volumes of cash, maintaining financial records, customer service, food and drink health and safety and first aid. In addition to these years in the hospitality industry, XXXX spent 1 year working for XXXXXXXXXX as a Claims Handler, where he developed skills pertaining to quick and efficient data gathering and recording, an intimate understanding of insurance processes, and handling claims valuing up to tens of thousand of pounds, all of which whilst maintaining the highest level of empathy, understanding, professionalism, and application of GDPR, FDA, and FCA regulations. XXXX undertook a role as a classroom assistant for XXXXXXXXXXXXX Academy, providing close support to English and Modern Studies teachers and their pupils, in both the classroom and on school trips. This experience helped him to further hone his mentoring, communication, educational, and training skills. Whilst in this role he also worked as an SQA Invigilator, overseeing exams and implementing the correct protocol throughout. Due to these two aforementioned roles XXXX holds a PVG license.

Our Secretary, XXXXXXXXXXXXXXXX, is a Specialist Support Teacher with 19 years of experience, covering Primary, Secondary, SEBN, ASN, and Specialist Support. She has also worked abroad, in Kuwait, teaching EAL and tutoring. She currently works as part of the XXXXXXXXXXXXXXXXXXXX, covering Primary and Secondary Schools. Her current role focuses on school refusers, young people who are known to the police, pupils of all ages with literacy/learning barriers, and pupils at secondary who are at risk of

disengagement. For the latter group, she works closely with the SQA and the schools to identify appropriate courses, create course plans, and deliver these courses to pupils. These have included; work based on the XXXXXXXXXXXXXXXXXXXXXXXX Horticulture, Personal and Social Development, and Mental Health and Wellbeing. She is also a trainer for the XXXXXXXXXXXXXXXXXXXXXXXXXXXX delivering input both face-to-face and remotely on the use of Read&Write. In this role, she has been called upon as a consultant in SLC, Scotland, and around the world as part of TextHelp webinars. While in her previous school, her husband and she owned and ran XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, and were influential in getting the XXXXXXXX Skatepark off the ground. As manager, she was responsible for all financial aspects, including cashing-up, balancing books, placing orders, record keeping, and annual HMRC returns. She was there for 3 years, working with the XXXXXXXXXXXXXXX owners to put together advertising campaigns and themed days, and she researched the history of the Arcade as part of an awareness/history marketing campaign. She closed the shop when their son was born, and moved back to Lanarkshire. She is currently working towards a qualification in Outdoor Education and is keen to introduce SQA accredited courses and work experience placements through links with local Secondary Schools.

Our Treasurer, XXXXXXXXX, has a HNC in Social Science and Health Care, NVQ Patisserie and an NC in General Catering. Her academic background has provided her with a combination of high quality research and practical skills. XXXXX has worked across a variety of sectors, with a wide range of experiences in community involvement and engagement.

She was a founding member of the Guerilla Gardening Group, in which they strove to maintain public spaces in the local area, supporting people who were unable to maintain their own gardens, and encouraging others to join them in looking after their local parks, gardens and greenspaces. Her involvement in the community extended to assisting in the organisation, funding, and running of the Viewpark Gala Day. This included coordinating the organising group and volunteers, as well as contacting and liaising with local businesses, funders, suppliers, local schools, and youth groups. The event was well organised and professionally delivered with the community participation high and local businesses also involved. She also has experience as a youth worker with an environmental group in Mossend. She delivered and taught crafts and gardening activities, teaching youths permaculture and green environmental practices. She possesses 20 years of sales and merchandising experience, with 3 years in a senior sales position and cashing up.Working in customer-facing roles has developed her interpersonal skills - working within a team, problem solving, and effective communication with members of the public, colleagues and managers. She has 10 years of experience in a self-employed role as a confectioner during which time she honed and actioned skills in placing orders, book-keeping, financial records, and annual HMRC returns. She has spent 7 years fundraising and organising events with the Viewpark Gala Committee, and 2 years as a committee member with the Viewpark Conservation Group, with 1 year as Treasurer. She held a secretary position for Burnhead Toddlers for 4 years and is a Level 2 Reiki practitioner. Her dedication to community groups, local knowledge and engagement capabilities combined with her financial and bookkeeping abilities create a strong skill set on the board.

Our Environmental Adviser, XXXXXXXXXXXXXXX, possesses a 1st Class Honours Degree in Earth Science, and is currently a PhD student in the final phase of the course. She is expertly trained in research methods, critical analysis, literature review, data collection, data analysis and presenting data as information. This expertise has been formed as applied to scientific research, though the skillset has proven to be highly transferable to all aspects of life, especially in business planning and management. Her teamwork skills have been honed since a young age, having swum and played hockey, as well as being included in the national squad for gymnastics as a child. These experiences have taught her communication skills, organisational skills, supportive and mentoring skills that are critical to teamwork, and developed a keen team-player mentality. She currently works within an international

collaborative research project which has applied and developed this skill set to working in a team that is spread across the globe, in different time zones, with members from different cultures to work together remotely. In addition to these team player skills, she is well versed in leading them too. XXXXXXXX was a shift-supervisor at XXXXXXXXX from the age of 18 until she left the company to focus on her studies 6 years later. This role gave her experience in team management and conflict resolution, interviewing, training, and mentoring staff, disciplinary experiences, shift planning, ordering stock, handling large volumes of cash, business reporting, customer service skills, food health and safety, first aid, and making coffee.

XXXXXXXXalso has experience leading teams on remote expeditions in Polar environments, being a founding member of XXXXXXXXXXXXXXXXXX - an adventure skills training holiday company. She applied this expedition experience to plan, lead, recruit for, fundraise, and execute a student-led geological study and hike of a volcano in Tanzania during her final year of university (2015). This responsibility for the success of the expedition, which involved 12 fellow students and 2 lecturers required her to apply a broad range of skills, including but not limited to; planned travel logistics, budgeting and fundraising, upkeeping team discipline and motivation, crisis management, producing a risk assessment and overseeing risk- management. XXXXXXXXX also excels when it comes to logistics and planning. Be it for an event or longer-term for the running of a business. She built this experience with the adventure conferences she has been involved in, though applies it frequently to organising conferences and workshops - be they in-person or online. As mentioned already she has the experience of organising all aspects of expeditions to remote parts of the world. Through her background in both academia and adventure expeditions, XXXXXXXX has extensive experience in writing funding proposals and reports. She has successfully been awarded over £10,000 individually in expedition support and has been awarded over £30,000 in grants for team expeditions. In her academic career she has a 96% success rate on funding applications, including being awarded the prestigious SCAR (Scientific Committee on Antarctic Research) Fellowship of $10,000 and contributing to successful research proposals that have been awarded over $1.5 million. XXXXXXXX has demonstrated skills and expertise in producing well- presented reports for a wide range of audiences, including annual business reports, post- expedition reports etc. She always delivers information in a concise, clearly presented manner. XXXXXXXX has extensive experience in written and spoken communication. She has presented in a range of settings from primary schools to the elderly, research presentations at conferences, adventure talks - sharing expedition experience - including being invited to speak at the Royal Geographical Society and RSGS. She also does a number of live events on social media. She has social media management and website development skills, having designed 5 websites from scratch and runs multiple social media accounts – including XXXXXXXX (the research project she is currently working on), and XXXXXXXXXXXX, the business which she is currently founding director for.

We have recently brought onboard our Community Wellbeing Coordinator, XXXXXXXXXX, who has a NQ in Social Care from Springburn College and an HNC in Health Care from Coatbridge College. These academic qualifications allowed her to hone her research skills, as well as medical and social care knowledge that prove highly relevant to a number of the goals outlined by the Viewpark Gardens Trust. In terms of her working life, beginning in the hospitality and retail industry from an early age, XXXX has worked for a variety of businesses in this sector, including Kwik Fit, EPR Heating, the Horseshoe Bar, the Rowantree, Morrisons, Boots, and XPO Logistics. Her time at XXXXXXXXXXXX was spread between multiple departments due to her expertise across various branches. During her career, the variety of environments in which XXXX has worked in has granted her a plethora of different skills. She has years of experience in delivering high quality customer service across both small businesses and massive corporate bodies. She has years of experience in customer facing roles, and has proven records of adaptability, empathy, and knowledge of food and drink health and safety. She has also gained a wide array of administrative assistant skills, having provided comprehensive clerical and administrative support, including performing manual clerical functions to ensure the accurate completion of each element of daily operations,

liaising with customers and head office, ensuring accurate filing and general administration, and supporting her team members to ensure the smooth running of the clerical functions. On top of this she also possesses a number of business management skills, involving assisting with the day to day running of business, bookkeeping using Xero accounting software, raising invoices, credit notes, purchase orders, generating quotes, stock management, and managing online profiles. These responsibilities have allowed XXXX to build a strong skill set of financial and IT literacy, excellent communication skills, and an outstanding team and work ethic. She possesses the additional qualifications of Suicide Alertness, Safe Talk Certification, ASIST Certification, Applied Suicide Alertness, Applied Suicide Intervention, Safe to Say Certification, working with adult survivors of sexual abuse, DBT skills, distress tolerance, emotion regulation, and interpersonal effectiveness modules. Her varied skill set, both academically and professionally place her as the ideal candidate for our Community Wellbeing Coordinator.

We firmly believe that our group consists of members who have both real world and academic experience and education that provide us with more than enough experience to oversee the management of the asset. Together we hold decades of knowledge and experience, and work closely to ensure that we operate as efficiently and effectively as possible.

Throughout our group we have all held management positions across a wide variety of industries, and have clearly proven experience in managing charitable assets and programmes, as well as applying for and managing funding. On top of this, we hold proven track records of developing and implementing programmes in the horticultural, business, and community aspects of the asset.

We hope that the detail we have gone into regarding the expansive skills possessed by our board members will help to alleviate any concerns held by NLC about our abilities to plan, raise the necessary funds, and deliver the services that we have proposed. Furthermore, the two recent additions we have made to our Board only lend strength to the already impressive skill set held by our group.

Future Funding Assessment:

In the new Programme for Government there is an £80 million Place Fund that most of our projects would be eligible for. A partnership with the Viewpark Gardens Trust which would also include other community groups such as Bellshill Mens Shed, mental health groups, local youth groups, and NLC would make a very attractive bid for this new fund. The targets would be very similar to the other community led projects - Strengthening Communities Fund and Aspiring Communities Fund.

We wish to take a cohesive and collaborative approach to the provision of services and assets within the site to achieve better outcomes for people and communities. We would be following a phased approach to funding that would follow these outcomes closely:

* Build community capacity and strengthen community anchor organisations.
* Better understand and identify their local aspirations and priorities.
* Increase active inclusion and develop opportunities for enhanced engagement for groups who are more vulnerable and harder to reach.
* Create local plans and proposals in collaboration with partners.
* Prioritise local budgets and access to funds.
* Develop local assets, services, and projects that respond to the needs of the people in their communities.
* Deliver community-led solutions that tackle priorities that matter most to communities.
* Develop local interventions which offer opportunities and pathways for social and community integration.

This would allow charities and community groups to control more of their own affairs and take forward more of the activities they have identified as being vital to the success of their projects.

In taking on board the comments that NLC Officers made in assessing our application we were pleased to see that they had highlighted our success, despite Covid, in engaging the community. We know that any future funding success for VGT will need to be based on a more in-depth assessment of community needs. We have engaged with our community over these last 2 weeks in various ways. Our recent survey has had 440 responses since going live on 2nd March 2020. With over 99% of responses wanting the gardens to be saved for the community. We have included the survey infographics as **Appendix 2**. Additionally, the survey reached a wide demographic of our community, with 41% not being current members of the VGT, 42% were members, with the remaining numbers expressing an interest in joining after taking the survey. This demonstrates that our goals are not exclusive to members of our group, and instead hold true amongst the wider community also.

We believe this illustrates our ability to navigate the changing requirements and needs of the community and groups that we have engaged with at a community level. The impact of Covid-19 on these people and groups has been devastating and cannot be overstated. The vision for the VGT is to not only have a green, safe, and accessible space, but to also truly empower our community to heal and recover. The comprehensive information we are able to analyse from surveys, public consultations and meetings means that we can build a strong foundation for us to deliver a phased and managed approach to the services and projects we intend to implement at the Viewpark Gardens site. Our community engagement will remain ongoing and inclusive at every stage, resulting in a solid, cohesive plan for the future. This would provide us with the strongest possible platform to produce funding success, when we have a formal lease that makes us eligible for such funds.

Accurate picture of the running costs:

It has always been very difficult to get accurate information about the running costs at the Viewpark Gardens. This is not information that NLC have readily available, as many of their costs are aggregated. Cllr Bob Burrows did give us a document titled *Viewpark Nursery Info* **(Appendix 3)**. This information was also available at the Community Engagement events for Viewpark Gardens held in February 2020. These costs totalled £29,182 per annum, with an additional £28,287 for groundskeepers and apprentices. Under the management of a charity like VGT, these costs would be significantly lower. The costs for employing a gardener and groundskeeper would also be reduced as we would have a part-time gardener (with community engagement experience), supported by teams of volunteers (our members have indicated their wish to do voluntary work at the gardens). As a charity we would also be eligible for an 80% reduction in non-domestic rates (with NLC able to grant an additional 20% reduction). Charities are also eligible for other reliefs in water rates as well as access to cheaper insurance. Additionally, the running costs of £29,182 would not be fully applicable to VGT as we would not be using the buildings that are currently out with our CAT area (the majority of the usable buildings on the site have been used by another charity under a temporary lease). It is unclear from the supplied pricings whether all these buildings are within the area requested in our Community Asset Transfer. We are also unable to more accurately reach a projected costing for our first few years on site without the exact locations of these buildings. The viability of our projects become much more manageable when these costs are broken down into our actual usage for the area covered by our CAT. A meeting

was held on 15th May 2019 where an amount of £20,000 had been proposed as the minimum costs of running the gardens. Councillor Burrows as Finance Convenor had stated that this was the amount they hoped to realise using £10,000 from two local school PEF funds to help run the gardens in the short-term, whilst a group supported by NLC as their partner would form a community partnership to save the gardens from closure and development. However, this was not a confirmed financial package and fell through. The statement regarding this is as follows:

“*This budget measure was approved on the basis that they would be getting the £20,000 coming from the pupil equity fund, but this fell through...So we thought there would be a backup for the gardens, but it didn’t happen...This has been going on for a number of years and I’ve been involved all that time*” (Councillor Bob Burrows, Motherwell Times Oct 2019)

The biggest cost in our CAT area is in heating the greenhouses and we believe that with ownership we would be eligible to apply to grants for renewable heating systems to replace the existing one. In the short-term local gas engineers have given us offers of pro bono support to get the existing system repaired, with VGT just covering the cost of the materials needed. The income that we can generate from one or two events will bring in enough to cover all our running costs, and would supplement the grants that we receive to run projects and keep the gardens free to enter. Even if we were able to include the area currently out with our CAT, any buildings in this area that can be occupied would be leased to other charitable organisations e.g. Bellshill Mens Shed. **(Appendix 4.1)**

Coming out of Covid

We undertook a swot analysis **(Appendix 5)** to enable us to scrutinise the viability of our plans specifically as we are subject to the unprecedented conditions brought about by the Covid-19 pandemic. We wanted to provide a clear viewpoint from which to analyse our strengths and weaknesses, and to ensure that we were well equipped to build on our strengths, and nullify our weaknesses.

Our challenges would be in direct relation to increased SIMD1 issues already recognised within the area in closest proximity to the Viewpark Gardens. Covid-19 has undoubtedly weakened the economy with an increase in unemployment and uncertainty hanging over the future viability of certain industries. These factors are not specific to the Viewpark Gardens Trust or our geographical area. We would look to combat this by implementing opportunities in training and employability skills with job creation being closely linked to these opportunities. Another threat identified by our SWOT analysis was future social distancing rules, however, with the current trajectory that we are on we would expect these rules to not pose an issue when it comes to the day to day operating of the gardens. We also appreciate the significant loss of plant life within the gardens. That being said we have numerous offers from the British Cacti and Succulent Society, the Edinburgh Botanical Gardens, Plant Heritage and other horticultural experts with private collections which will aid in replacing what has been lost **(Appendix 6)**. We have purchased both handheld and electrical gardening equipment using some of the £2500 funding raised by the local community in 2020. Several local grounds maintenance companies, along with registered electricians, gas and plumbing companies as well as builders have offered their services either free of charge or significantly discounted. This will allow us to utilise these professional services alongside our volunteers working with VGT purchased equipment. Overhead costs would be greatly reduced as we no longer require heating in the greenhouse due to the majority of plants being lost over winter 2020/2021. We have recently been approached by several businesses and charities who wish to be potential partners. Their stakeholding interest would include funding and branded partnership whilst we retained the rights of management and decision making and would also provide us with strong investment.

In terms of our strengths the extensive community engagement response coupled with

general community interest and support has been extraordinary. The explosive growth in our membership numbers since our initial CAT application was rejected has only further demonstrated this, with a 118% rise from 15th February 2021. Currently our membership as stated is 518. Our survey published on 2nd March 2021 has had 440 responses to date and we have referenced details of this survey previously. We held a public zoom meeting on 12th February 2021 that was well attended by 50 members of our community including local NLC and SLC councillors. The meeting was extremely positive with a project launch, survey overview and a lively question and answer section. We believe that we are truly representing the wishes and needs of our community. We have mentioned our experience and detailed our skill sets earlier in our response, and it is one of our biggest strengths. This in addition to the actual space and facilities the site offers which lends itself to the exact plans we have outlined means we are not only capable of delivering what we have stated but have the space and facilities to do so using our phased approach. The Viewpark Gardens name has strong ties to our communities identity, having been at the heart of it since the 1950’s. Social inclusion has been at the forefront of our proposal since day one, and is another key strength of ours. Bringing the community together, and supporting the mental health and wellbeing of the whole community will be vital. The psychological impacts brought about by Covid-19 will be felt for decades, and restoring our communities unity and bringing all members together in an inclusive space available to all will bring untold benefits. The uniqueness of the site will allow us the opportunity to offer a wealth of different options to appeal to all members of our community, as well as provide ample opportunity to offer new facilities and amenities in the future. Our group's experience and desire to provide educational opportunities to our community will be an invaluable asset to Thorniewood, as will the provision of future cafe and rental space revenue. This will also provide opportunities for employment for the local community, and will draw users of the gardens from both our local area and beyond.

The ability to realise funding from the multitude of new Covid-19 recovery funds linked to mental health and wellbeing and social isolation issues would be one of the main avenues of funding the group would seek support from during the first 2 years of our plan. Coupled with funding to repair and regenerate the gardens to a standard that is safe for users.

The services provided at the gardens space would naturally develop alongside the site as the funding grew. The community cannot access these services if there is no area to provide them from, and Thorniewood has a severe lack of these spaces already. The problems that Covid-19 has created with regards to employment, mental health and wellbeing, and education are precisely what funders are looking to support. These issues align with our remit and plans. The demand for these services were oversubscribed prior to the Covid-19 pandemic, and will only be greater as we emerge from it. We have the skills, experience, and space to deliver the services required by our community.

# Section 3 - Reasonability of the price proposed and community benefit

*“The assessment process concluded that the terms proposed in the application did not represent a reasonable price in the context of the assessed value of the asset and community benefit that may be achieved as a direct result of the asset transfer.”*

As stated throughout, we do not believe that the assessed value of the asset should affect the ability to grant us a 5 year lease and that our long term aim is to secure grant funding to be able to offer NLC a reasonable price for the gardens. We are seeking a 5 year peppercorn lease for the asset, not to purchase. We wish to to express definitively that the proposed amount of £1 per annum was for a lease that would allow us to work with funders and the community to secure the funding to initially provide vital community services and repair the extensive damage and decay in the gardens, with an eventual goal to purchase the asset from North Lanarkshire Council. We have included images containing the current state of the gardens in **Appendix 7**. Our preferred path to this goal is to work closely

alongside North Lanarkshire Council, the NHS, and any others who may have a remit and a desire to improve the life chances, quality of life, and health outcomes of the local community. We strongly desire to pursue this through cooperation and forging lasting bonds with the local community and those out with who also share our charitable aims and objectives.

We have been in contact with the Scottish Land Fund as the main funder of the acquisition of the asset under the Community Asset Transfer process. They have stated that they would require us to have a basic track record of 18 months to 2 years to prove we can deliver services on the site that serve the community and respond to their needs. We would build this record and would work extensively with the Scottish Land Fund to acquire these funds. Scottish Land Fund can provide up to 95% of the agreed market value for an asset purchase. It has never been our intention to offer an unreasonable sum for the Viewpark Gardens site.

Appendix 2 Section 1 of the North Lanarkshire Council report to reject our Community Asset Transfer request states that the estimated value of the asset to be £1.52 million to the Council, and that the asset was being prepared for the market prior to our Community Asset Transfer request. It also estimates the rental value to be £36,000 per annum. It concludes that were our request to be successful then it would represent a loss of potential short-term income for the Council, and that were the asset and additional adjacent land cleared the council could possibly generate £2.5 million from the sale of the asset. However, during a community consultation hosted by North Lanarkshire Council on the 6th and 7th of February 2020 it was indicated at this meeting that North Lanarkshire Council were looking for community partners for the site and that it would not be marketed. It was also stated at this meeting that minimum maintenance of the site would be in place until community partners could be found.

The subsequent value added by the clearing of the site and additional adjacent land is only realisable by the selling of the site for development. This is precisely what we feared and is why we founded the Viewpark Gardens Trust. We started a petition to ‘Save the Viewpark Gardens’ which gathered over 2000 signatures by March 2020.

We would like to say how grateful we are for these community consultations. They represent an excellent example of communication between North Lanarkshire Council and the community that they are elected to represent. However, these sources have raised several points of confusion for us. Regarding the proposed rent per annum we are unsure if the figure encompasses the site as a whole, or if the figure relates specifically to the councils valuation of the asset referenced in our Community Asset Transfer request. Additionally, in regards to North Lanarkshire Council’s statement in the report dated 15th February 2021 found in Appendix 2 Section 1 of the report which says:

“This asset was being prepared for the market prior to the receipt of the CAT request.”

# (Appendix 8)

This statement conflicts with previous assurances that the site was not being prepared for the market.

We are unsure of the exact location of the buildings referenced below, but working off our understanding of the information available to us, the £36,000 in expected rental income for the area within the Community Asset Transfer does not take into account that several of these buildings are not within our Community Asset Transfer. Whilst we are not clear as to which buildings are definitively within our CAT request it would appear buildings to the value of almost £11,000 are. The total for all buildings rented as of the community consultation

event was £25,050. This figure represents the indicative lease costs provided at the community consultation, of which we have the original documents given to us **(Appendix 9)**. This information was made available to all groups during the meetings, and following is a breakdown of the rent expected for each rental space:

|  |  |
| --- | --- |
| Office - | £900 per annum |
| Workshop - | £8,300 per annum |
| Mens Shed - | £3,400 per annum |
| Garage 1 - | £6,250 per annum |
| Garage 2 - | £1,750 per annum |
| Garage 3 - | £3,200 per annum |
| Garage 4 - | £1,250 per annum |
|  | **Total - £25,050** |

Furthermore, the expected rental amount of £36,000 that the report outlined has not been itemised. Without a more detailed break-down, such as the one provided at the 2020 consultation, we are unable to understand the categories and inclusions used to reach this amount.

We would also like to draw attention to the Viewpark Flower Festival held on the site in 2001, with NLC reporting an income of £36,052.95 brought in by the event. The Flower Festival was an extremely well attended event and, until the final few years, was advertised well by North Lanarkshire Council. In 2004 the North Lanarkshire Council report regarding attendance stated that it was consistently high.

“Another good show at the Summer Flower Festival. This year’s Summer Flower Festival took place at Viewpark Uddingston from Thursday 3rd to Sunday 6th June. Despite the changeable weather, attendances remained high at 15,300 across the four days. Visitors from all over Lanarkshire came to enjoy the space-themed floral displays and other entertainments, including a roadshow, plant sales and arts & crafts.” **(Appendix 10)**

We fully intend to bring back the festival and expect an excellent turn-out thanks to an increase in social media reach and the need for outdoor activities. We have included NLC accounts from previous Flower Festivals **(Appendix 11)** and they demonstrate that the festival was a great success with the local demographic well represented in these reports.

Previously, the gardens held only one festival each year, VGT intends to increase this to at least four seasonally, which will bring in additional visitors and funds.

Whilst the current facilities are not capable of recreating the plant sales and other sources of revenue brought in by this event, it signifies quantifiable evidence of strong sources of income for the asset, and one we would be sure to pursue should our appeal be successful.

One Place-One Plan for North Lanarkshire

In developing our plans for the Viewpark gardens we consulted with the North Lanarkshire Council “One Place-One Plan”, and have aligned our vision for the gardens to marry with objectives set out within the 5 priorities outlined in the plan.The following information expands on the priorities and objectives that VGT set out in their initial CAT. We felt it pertinent due to the new challenges brought about by the Covid-19 pandemic that we included this additional information. The 5 priorities outlined in the “One Place-One Plan” on page 10 **(Appendix 12)** are as follows:

1. Improve economic opportunities and outcomes.
2. Support all children and young people to realise their full potential.
3. Improve the health and wellbeing of our communities.
4. Enhance participation, capacity and empowerment across our communities.
5. Improve North Lanarkshire’s resource base.

Priority 1 will be addressed through the refocus of our town centres and communities to be multi-functional connected places which maximise social, economic and environmental opportunities. This would be achieved through education and community engagement, allowing the people of Viewpark and the surrounding area to thrive. We would provide ample environmental opportunities and would encourage, engage, and support local business and enterprise. We will also work towards becoming a place in North Lanarkshire that will promote the area as the place to live, learn, work, invest, and visit. This will be achieved by cementing the Viewpark gardens as a community hub, attracting a wide variety of people from North Lanarkshire and beyond. The gardens will revitalise the mentality of the local community, helping it achieve all of the aforementioned goals and emerge from the multi- faceted crisis brought about by Covid-19.

We will approach Priority 2 by raising the attainment and skills for learning, life, and work. The Viewpark Gardens, under the Viewpark Gardens Trust, will be used to provide young people with the skills and experience necessary for both life and work, this will be even more vital now as our community begins to navigate the long road out of the pandemic. All of this will be done whilst remaining inclusive to children and young people, where they will be supported and safe. In our vision for the gardens we have set out an equal and inclusive environment. We will seek to help engage children and families in early learning and childcare programmes, with the gardens being a perfect site for such programmes. We would work closely with schools and children's services to deliver post-Covid recovery support. Mindfulness and wellbeing management classes would be delivered at an age appropriate level to assist children and youths to recover from the inevitable effects that Covid-19 has had on their education and mental health. Furthering this goal, we will engage with children, young people, parents, carers, and families to help all children and young people reach their full potential. We will use the gardens to provide essential life skills for young people, as well as job opportunities and training towards formal vocational qualifications.

Regarding Priority 3 we will increase opportunities for adults by understanding, identifying, and addressing the causes of poverty and deprivation, the scale of which will only be exacerbated by the devastating impacts of Covid-19. The Viewpark Gardens Trust will deliver education and support around finances and getting into work while helping households struggling with food insecurity by providing fresh, healthy produce and nutrition workshops. We will ensure residents are able to achieve, maintain, and recover their independence through appropriate support at home and in their communities. The Viewpark Gardens Trust will seek to encourage the health and wellbeing of people through a range of social, cultural, and leisure activities. The Viewpark Gardens are a significant part of our cultural and leisure activities in Thorniewood especially, but through the entirety of the local area as well. The gardens provide much needed outdoor space, and the Viewpark Gardens Trust will be facilitating the offerings of well-being, fitness, and social activities. The provision of these outdoor spaces and services will be even more vital as the community begins the recovery from the impacts of social isolation and increased time spent indoors by lockdown measures necessitated by Covid-19.

Priority 4 will be addressed by transforming our natural environment to support wellbeing and inward investment and enhance it for current and future generations. The Viewpark Gardens are an existing asset within North Lanarkshire,and will be utilised to support and improve well-being across deprived communities, especially those in the immediate

surrounding area. The Viewpark Gardens Trust will develop the existing facilities and offerings within the gardens, attracting investment to both the gardens and surrounding areas. We will work to ensure that we keep our environment clean, safe, and attractive. The Viewpark Gardens are an attractive site within the local area, and it is the main priority of the Viewpark Gardens Trust to re-open this facility and make it available to the community once again. We anticipate a great demand for such a service, given the necessary restrictions that have been in place over the last 12 months, and getting the gardens accessible to the public as quickly as possible will be a priority for the Viewpark Gardens Trust as we strive to provide the community with a much needed outdoor and green space as lockdown measures are lifted. We will also look to improve engagement with our community and develop their capacity to help themselves. The Viewpark gardens site has the capabilities to be a community engagement hub within Viewpark, which will be used to improve the wellbeing of those in the community. Many of the activities we will facilitate are expected to help develop a growth mindset among the Viewpark community, which would further benefit our community engagement. We will actively seek to improve the involvement of the community in decisions which relate to them. The community of Viewpark and the surrounding areas will have a strong say in the way in which the gardens and buildings are used and adapted to benefit them in the most positive way possible. As set out in the ATR (Asset Transfer Request) the Viewpark Gardens Trust will empower the community to maintain and use the gardens. Run by locals, for locals. This bringing together of the community will be vital due to the widespread social isolation endured by so many of us during the pandemic.

Finally, Priority 5 focuses on improving North Lanarkshire’s resource base. We would like to help build a workforce for the future, capable of delivering on our priorities and shared ambitions, and we believe we could execute this on a considerable scale. Particularly in the vocational training, work experience, and jobs we will be able to offer. These services will prove crucial in aiding our local community and economy to bounce back after the negative impacts brought about by Covid-19. Demonstrating that our Community Asset Transfer request, if approved, would be absolutely vital in the success of North Lanarkshire’s Plan.

North Lanarkshire’s intent to review and design services around people, communities and shared resources is something that we would also look to aid with. The Viewpark Gardens can serve as a resource for the wider community, and offer a variety of services to improve the wellbeing of the local community. North Lanarkshire has also stated their wish to ensure the intelligent use of data and information to support fully evidence-based decision making and future planning. The Viewpark Gardens will serve as a part of the wider plan for North Lanarkshire. As we have shown, the vision we hold for the Viewpark Gardens closely aligns with the plans for North Lanarkshire in a plethora of ways. We intend to be an exemplary group in community managed projects and be consulted in future plans based on our success. We have received numerous letters of support and outlines of working partnerships from other groups and businesses such as Bellshill Men’s Shed, Thorniewood Community Council, Metta Wellbing and Zaria Sleith Photography. With both Zaria Sleith Photography and Metta Wellbeing expressing the desire to rent a commercial space within the gardens from which to run a variety of community services. These outline the need for both community and rental business space at the Viewpark Gardens site. Local councillors Bob Burrows, Norah Mooney, Helen Loughran, Angela Campbell, and Jordan Linden have all provided written confirmation of their support for our CAT review appeal with NLC **(Appendix 13)**.

Furthermore, after the decision by North Lanarkshire Council to reject our Community Asset Transfer, as stated previously, our membership numbers have risen dramatically since. It is very clear we have strong community support and backing, and the people of Thorniewood have been incredibly supportive and enthusiastic of our aims and objectives. We have managed to deliver several socially distanced cacti collection days when we pruned plants

over the summer, and these were also very well attended. Unfortunately, due to the ongoing access and safety issues we were unable to expand these days or deliver our clean up volunteer events at the gardens. The benefits to the local community and beyond, should this Community Asset Transfer application be supported by North Lanarkshire Council are numerous and substantial. Primarily, our Trust will enable the gardens to be reopened to the public through the safe-keeping, protection, preservation, and rebuilding of the gardens. This will provide a valuable outdoor space with great potential to place itself at the heart of the community. We aim to provide an accessible community hub for the local and wider community where individuals from all walks of life can access our facilities and various projects easily. The need for a robust sense of community identity will be even more important moving forward out of lockdown and Covid-19 due to the devastating effect it has had on the economy and our social and mental wellbeing.

As highlighted in Section 4.1 of our Community Asset Transfer we have undertaken an in- depth assessment of what the immediate and future needs of the community are likely to be, and have provided solutions to those we have identified. These include, but are not limited to, the following:

1. Initiatives for mental health services and wellbeing such as; yoga and mindfulness classes, workshops, retreats, ‘walk and talk’ groups, space for therapists to work within and use the gardens plentiful green space as part of treatment, and horticulture therapy. This could be offered in conjunction with the NHS through the Social Prescribing initiative.
2. Public access to the gardens, providing a much needed outdoor space for walking and socially-distanced meetings with friends, aiming to reduce mental stress of isolation and loneliness. The local area sorely lacks such spaces.
3. Encouraging the local community to improve their health through getting active through welcoming local fitness instructors and providing them a space to take outdoor and socially-distanced exercise classes.
4. Outdoor education areas, and some undercover spaces, that can be easily accessed with the appropriate social-distancing and hygiene requirements in place. This will include outdoor teaching and forest nursery areas for local schools and nurseries to access regularly.
5. Regular community events such as farmers markets, local arts and crafts markets, reviving the annual Viewpark Flower Festival, and fun run events. In doing so we will promote social inclusion, integration and learning within the Viewpark community, as well as promoting and supporting local businesses.
6. Seasonal community events such as a Christmas Fayre, Easter Egg hunts, and a Halloween arts festival including pumpkin picking and carving, and costume competitions.
7. Building community spirit and resilience through projects and group activities such as Community gardens, grow-your-own projects, garden therapy, community arts projects, environmental interest groups, eco-youth groups, historical re-enactment groups, as well as access to and use of the gardens and buildings by local groups and the general public. Such projects and group activities will also encourage learning opportunities and develop education within the community.
8. Specialist areas and groups to meet the needs and ongoing requirements for a range of people. These will include Dementia patients, ASD adults and children, sensory gardens for deaf and/or blind visitors as well as facilities and easy access for disabled people and those who use wheelchairs or walking aids. We wish to promote social inclusion within the Viewpark community.
9. Saving and/or replacing the rare plants which had been collected and house in the gardens throughout the years, and protecting rare species of wildlife, such as bats

and kingfishers, known to have inhabited the gardens. In doing so we will be able to educate the community about conservation and promote good citizenship.

1. Food security and poverty are prevalent issues facing many local households. We will be able to alleviate this through the community garden providing fresh, healthy, and organic local produce to those who need it most, whilst also educating in self- sufficiency and encouraging and supporting the growing of produce elsewhere in the community. Working in partnership with and building on the success of schemes such as Grow73.
2. In response to how Covid-19 has impacted the local and wider community we would be looking to implement access to the gardens as soon as insurances were in place. The gardens are currently close to the public, depriving the local community of a fantastic facility for walking and alleviating the stresses of lockdown. We would be capable of providing a safe, green environment in which people can easily socially distance.
3. With council budgets being continually squeezed, it is extremely difficult for local authorities to maintain community assets such as the Viewpark Gardens and it is clear that community management and ownership enabled through the Community Empowerment Act Scotland of 2015 will become critical for the continued running of many such assets. We believe the Viewpark Gardens Trust could be critical in demonstrating how community groups can take on these projects successfully. We would like to work to empower and work with other groups who wish to do the same.

In addition to the evident benefits of the provisions outlined above, our Trust managing the gardens will provide jobs and extensive volunteering opportunities for local individuals, and the ability to provide training towards formal qualifications in subjects ranging from horticulture to hospitality. There is also the potential for work experience and apprenticeships at a later stage. Through the events and our development of the gardens into a community hub we will prioritise, encourage, and support local businesses who share our values to improve our community in a sustainable manner.

As highlighted in point 8 above, areas within the gardens will be designed to provide full inclusion of all visitors. This will mean that visitors with access challenges to other parks or projects will find a wide range of choices within the gardens.

Alternative offer from NLC

The Viewpark Gardens Trust would also like to address a generous offer extended via email by North Lanarkshire Council Officer Leanne Pollock on 26th January 2021, and why we were unable to accept. In this email we were offered the opportunity to be granted an extension on the decision date for our Community Asset Transfer. The intent behind this extension was that it would enable us the opportunity to further work on our application and gain more assurances and development regarding our financial plans whilst allowing us to provide whatever services from within the gardens that we could in the meantime. We were offered a meeting if we wished to explore this option further **(Appendix 14)**. Whilst we thoroughly appreciate the offer that was given to us with this extension and meanwhile access lease, we were unable to accept due to ongoing and serious issues at the site in relation to the current tenant, which we had experienced since July 2020, and these concerns were outlined in our reply. That being said, we will go into further detail here. On July 14th 2020 we emailed NLC **(Appendix 15)** to ask for details of the current leaseholders area of lease and access. On July 17th 2020 Matt Costello, Community Partnership Manager for North Lanarkshire Council, replied with a clearly outlined area of the buildings leased. The courtyard was not included in this **(Appendix 4.1)**. On 28th July 2020 we received an email from Leanne Pollock regarding activity within and around the courtyard area of the site.This area is protected by prohibition under Community Asset Transfer legislation while the asset transfer request is live. We were advised in this email that further

information would be received from Property and Grounds maintenance which would provide clarification on the lease terms that would allow the group to make material changes to the courtyard. The email stated that:

*“With regard to the specific questions that you have highlighted around the operation and plans for the...Group I would suggest that the best way forward to obtain this information is through direct engagement with the group*.“ **(Appendix 16)**

On 2nd August 2020 we made one of the local councillors aware via email that the partition gate had been removed from the archway opening into the main gardens at the courtyard area. The removal of this represented an issue regarding the discouragement of the public from walking directly in the gardens area. Whilst these gates acted as a visual deterrent it was still possible to access the gardens through them should an emergency necessitate so. The next email of concern was sent on 10th August 2020 **(Appendix 17)** and detailed issues we had with fire exits and access to the site.The aforementioned group had changed the locks on the front gate **(Appendix 18)** from the council issued locks to ones of their own.

They had also changed the side gate lock and we were unable to access the courtyard through this gate either. This meant that we no longer had front gate or fire exit access. We asked for this to be looked at as a matter of urgency and explained the difficult and potentially dangerous situation this put us in. We were unable to proceed with any socially distanced open days or volunteer tidy up days consequently. Whilst we do have public liability insurance we could not welcome groups of people into the gardens without proper access and safety measures in place and the situation we found ourselves in did not pass our risk assessment to open safely for public volunteers. We received a response from Leanne Pollock on 12th August 2020 stating:

*“I have requested feedback relating to the specific concerns you have raised with my colleagues from relevant Council departments and have asked them to respond promptly.”* **(Appendix 19)**

Later in August 2020 between the 24th and 28th further messages were sent regarding the access for keys and locks needing to be changed from the ones the tenant group had replaced **(Appendix 20)**. Photographic evidence was sent to North Lanarkshire Council that we still had no access at the main gates. We were reassured that this would be rectified, and we did indeed receive keys to the gates. However, on 29th August 2020 we messaged one of the local councillors as locks had been changed again on the front gate. Following on from this, we were contacted on 5th September 2020 by a member of the tenant group and advised the following:

*“The big main wall that’s open into the garden getting closed off with a container on Monday”* **(Appendix 21)**

We expressed our concern regarding this as it represented another fire hazard and access issues in addition to the front gate locks being changed several times. The containers arrived and three blue metal containers were placed by the other group within the shared courtyard area. This area is part of our Community Asset Transfer and therefore this group was clearly in breach of their lease terms. The containers fully blocked the inner courtyard arched access area, the same exit we would have used should a fire have started on the opposite side of the gardens. Another blue container was also placed on the opposite side of the courtyard, on the right hand side as you walk through the main gates. Various vans, lorries and trucks were parked both during the day and overnight in the courtyard from September 2020 to March 2021 along with these containers.

During this period there were multiple phone calls and text messages exchanged between the Viewpark Gardens Trust and North Lanarkshire councillors, trying to reach a workable solution regarding the unsafe blocking of the main entrance/exit from the courtyard to the gardens. Specifically, on 23rd September 2020 we received correspondence from a North Lanarkshire Councillor stating that:

*“The courtyard is an open space for access for all and not leased to be used by containers, vans etc. I have the email...They are getting contacted re unauthorized use of Courtyard and have to be removed.”* **(Appendix 22)**

These messages referred to the use of the courtyard to store and use containers. Should an ambulance have been required in the gardens area there would have been no access available as we did not have keys for the front gates either. Our main access point at this time was a small side gate which does not open properly due to tree roots. We contacted the same councillor on 29th September by phone explaining the containers and other items were still being stored in the courtyard area. It was confirmed that the land in that area is subject to the Community Asset Transfer and is therefore under the prohibition as per the North Lanarkshire Council validation notice. We also discussed that the entrance across the courtyard should be clear as it is a shared access area. We received an email on 19th October 2020 from Leanne Pollock stating that the containers would be removed and another email from David Baird on the 30th October 2020 stating the food van would also be moving from the courtyard area. **(Appendix 23)**. A further phone message was received on 2nd November 2020 stating that the containers would be removed from the courtyard the following week. Finally, on 8th November the Viewpark Gardens Trust contacted a local councillor to advise them that the containers and food van were still within the courtyard area and blocking the same open-arched access and exit **(Appendix 24)**. At the time of writing and submitting this appeal the containers and food truck are still situated in the same position as September 2020. They have not been moved. Their presence renders us unable to safely allow groups of individuals into the gardens as we are not able to provide a safe and secure entrance and exit.

Most recently on 8th January 2021 we were made aware of a fire in the enclosed area of the Viewpark Gardens courtyard. A member of the tenant group when asked what was happening quickly replied via a public Facebook comment:

*“Wood getting burned and pallets”* **(Appendix 25)**

We quickly contacted a local councillor who confirmed that they had been advised the fire was now out. Due to the continued black smoke reported to us by concerned community members we arrived at the Viewpark Gardens between 17:30-18:00. We immediately called 999 and alerted the Fire Brigade as the fire was still burning and all gates were locked.

There was nobody in attendance and we were the only people there until the emergency services arrived. Unfortunately, due to the previous issues outlined above regarding locks being changed from North Lanarkshire Council padlocks to the leaseholding groups own we were unable to provide access for the firemen, and they were forced to use a ladder to climb over the gates and extinguish the fire. The firemen stated that the fire was not wooden palettes, and instead consisted of numerous pieces of plastic, burnt mattresses, and other metal, plastic, and possibly wooden furniture .We were finally able to access a side gate as one of our other keyholding members arrived and opened this gate for us. Photographic evidence of the fire and fire brigade in attendance has been supplied **(Appendix 26)**.

We have included various photographic evidence of the current leaseholders activity relating to the above container blockage, access and safety issues. These date from September 2020 to now **(Appendix 27)**.

Unfortunately, the lack of safety on site was exacerbated by threats to ourselves and others in the area from a key individual within this tenant group. These threats are serious in nature and have been reported to the local Police.

Therefore, for the reasons detailed above, we were unable to accept the offer extended to us by Leanne Pollock. There had, by this point, been numerous and sustained safety and access issues that the Viewpark Gardens Trust had made North Lanarkshire Council aware of over the course of the previous 6-7 month period. Whilst we would have been delighted to consider an extension which would allow us to deliver services from the gardens we were forced to decline due to these ongoing issues. We clearly outlined our concerns in our reply on 1st February 2021 to Leanne Pollock **(Appendix 14).** Our concerns had yet to be addressed and we would have been unable to accept residence at the gardens with public attendance. As a registered charity we have an obligation to provide high quality health and safety regulations and public safety, something we can only do with 24/7 access to the site. Any projects and regeneration we could have implemented with the extension offered to us by North Lanarkshire Council would have been rendered impossible whilst simultaneously maintaining these high standards. Furthermore, our public liability insurance would have been invalidated by the fire exits being permanently blocked.

We also want to highlight that we did not want to come out of the CAT process under Part 5 at this late stage (the final CAT decision was due to be made on 15th February 2021), as we felt that we had already provided more than enough information for a proportionate consideration of our request for a 5 year peppercorn lease in our original ATR and also in additional information supplied by us in September 2020 for the October 2020 CAT committee.

P41 of the Guidance notes for Relevant Authorities states:

*10.5 – If the relevant authority considers at an early stage that they are likely to refuse the request in its current form, but could agree to an alternative proposal, you could discuss this with the CTB and suggest that they submit a new request. However, this must be entirely at the community transfer body’s choice. They have a right to persist with the request they want to make and receive a formal decision, which is open to review and appeal.*

With a knowledge of these rights and all the issues that have been outlined above stating the reasons why a temporary offer to occupy the gardens had to be declined, we wish to progress with this review appeal to NLC Councillors.